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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MATTHEW TY BARRUS,
GREGORY J. BENNETT, and
DEVIN E. DUTSON,**

Defendants.

Case No. 19-CR-171-J

GOVERNMENT'S MOTION FOR PROTECTIVE ORDER

On December 27, 2021, this court denied the government's motion to quash subpoenas duces tecum issued by this court at the request of defendants. The United States of America, by and through Assistant United States Attorney Eric Heimann and Special Assistant United States Attorney Travis Kirchhefer, hereby requests that all records provided in response to any subpoenas duces tecum issued in this case be subject to protective orders previously issued by this court

because the responsive records are likely to contain confidential mental health and substance abuse treatment information.

RELEVANT BACKGROUND

Defendants Bennett, Barrus, and Dutson are charged with healthcare fraud conspiracy, healthcare fraud, and spending fraud proceeds. (Doc. 1.) As alleged in the indictment, the defendants caused their employer Northwest Wyoming Treatment Center to submit to Wyoming Medicaid approximately \$8.5 million in claims for alleged substance abuse and mental health treatment provided through a residential substance abuse treatment program. The claims were fraudulent for a number of reasons, including that almost all of the billed-for activities were not covered by Medicaid and most were not provided by licensed treatment providers.

Defendants filed a number of ex parte requests for subpoenas duces tecum, which this court granted. (Docs. 126, 128, 129, and 131-133.) The government filed a motion to quash, which this court denied. (Doc. 135 and 141.)

REQUEST FOR PROTECTIVE ORDER

Based on a subpoena served on the Medicaid Fraud Control Unit of the Wyoming Attorney General's Office, and this court's order denying the government motion to quash (Doc. 141 at 2), the government believes that the defendants will receive individual patient records of mental health and substance abuse treatment. These patient records are likely to contain unredacted personal identification information (including names, birthdates, social security numbers, Medicaid beneficiary numbers, etc.) and individually identifiable medical information (including assessments, treatment notes, substance abuse patient records, etc.) and financial information (including account numbers and personal identifiers).

At the government's request, this court previously issued a protective order regarding similar patient records containing similarly sensitive and confidential information provided to the defendants by the government. (Docs. 35 and 54.) The discovery and scheduling orders also contain protective provisions covering information provided to the defendants by the government. (Docs. 40, 49, and 52.)

None of these protective orders, however, cover materials provided to the defendants by anyone other than the government. Given the sensitive and confidential nature of the patient records defendants will receive in response to their subpoenas, the government requests that the protective orders previously issued be expanded to include those records. Given that the charged fraud is based on mental health and substance abuse treatment—and because the government is unable to review the defendants' ex parte requests for subpoenas—the government further requests that the protective orders be applied to any future subpoenas duces tecum unless the requesting party specifically requests an exemption and the court grants it.

Respectfully submitted this 28th day of December, 2021.

L. ROBERT MURRAY
United States Attorney

By: /s/ Eric Heimann
ERIC J. HEIMANN
Assistant United States Attorney

By: /s/ Travis Kirchhefer
TRAVIS J. KIRCHHEFER
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that on this 28th day of December, 2021, I served true and correct copies of the foregoing response upon all counsel via CM/ECF.

/s/ Corine Aranda
UNITED STATES ATTORNEY'S OFFICE